

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CA #: 05-10558RWZ

Thomas V. McCafferty,
as father and next friend of
Brynn S. McCafferty, a minor,
Plaintiff

vs.

Lowe's Companies Inc., a.k.a.
Lowe's Home Centers, Inc.
Defendant

MOTION TO AMEND COMPLAINT

Now comes the plaintiff in the above-captioned case and moves the court to allow it to amend the Complaint changing the name of the defendant.

The defendant stated in its Answer that the defendant was incorrectly named. (see Affirmative Defense No. 3). Counsel for the defendant indicated to counsel for the plaintiff that the correct name for the defendant was "*Lowe's Home Centers, Inc.*"

The only change to the Amended Complaint is to change the name of the defendant to reflect the correction.

Wherefore, the plaintiff moves the court to allow it to amend the Complaint. The proposed Amended Complaint is attached herewith.

The plaintiff,
by his attorney,

/s/Bradford N. Louison
Bradford N. Louison (BBO # 305755)
Merrick, Louison & Costello, LLP
67 Batterymarch Street
Boston, MA 02110
(617) 439-0305

CERTIFICATE OF SERVICE

I, Bradford N. Louison, hereby certify that on the 31st day of March, 2005, I served the foregoing by electronic filing Thomas C. Federico, Morrison Mahoney, LLP, 250 Summer St., Boston, MA 02210.

/s/Bradford N. Louison
Bradford N. Louison